

# TOMBSTONE TOWN TOPICS TERSELY TOLD

## MONDAY

### FROM DOUGLAS.

C. A. Overlock, of Douglas, spent Saturday in Tombstone on court business.

### IN FROM RANCH.

Harry and Vern Kendall were in town today from their ranches in South Pass.

### VISITING HERE.

Miss Lucy Carretto, of Bisbee, is spending several days in Tombstone with friends.

### FROM ST. DAVID.

Sam Barrow and H. R. Rishworth, cattlemen of St. David, were visitors in Tombstone today on business.

### VISITED HERE.

Homer Mauldin and J. A. Judd, of St. David, spent a few hours in Tombstone today.

### IN TOWN TODAY.

Wm. Frazee and wife were visitors in town today from their cattle ranch in South Pass.

### FROM GLEESON.

John Gleeson, pioneer mining and cattleman of Gleeson, spent a few hours in the county seat today on business.

### VISITING HERE.

John Kean and wife, of Gila Bend, are spending a few days in Tombstone. They were former residents of Douglas.

### DOUGLAS ATTORNEYS.

Among the attorneys in town today from Douglas were Geo. Roark, D. Benschimol, Bruce Stephenson, Judge F. M. Doan.

### BISBEE PLUMBER.

M. Mainland, Bisbee plumber and tinner, spent a few hours in Tombstone today, being a witness in the Superior Court.

### RETURNED HOME.

Mrs. Anna Gray and Mrs. J. L. Sparks, who have been visiting in Phoenix the past two weeks with relatives returned home yesterday.

### FROM NEW MEXICO.

Walter Lombardi arrived in town yesterday from New Mexico and will visit here awhile with his mother before continuing on to California.

### BACK TO NEW YORK.

O. Kelsey, uncle of Mrs. Harry Kendall, who has been spending the past two months at the Kendall ranch in South Pass, left today for his home in New York. Mr. Kelsey is stuck on Arizona life and plans to return here in the near future.

### RETURNED FROM TRIP.

Mr. and Mrs. A. H. Gardner returned home Saturday night from a month spent in the South during which time they visited New Orleans, San Antonio and other Texas points, spending, however, most of their time in Natchez, Miss., where Mr. Gardner's parents reside. Mr. Gardner reports that business all along the line in the South is bad and betterment of conditions is not looked for until well toward the first of next year.

### MEXICAN GETS 200

### DAYS FOR BATTERY.

Constable Leslie Mattingly of Courtland this morning brought in a Mexican named Antonio Lopez, who will be an occupant of the Hotel Hood for the next 200 days. Antonio, who is an old offender, having been a guest at the county jail several times before, is charged with having gently tapped a countryman on the forehead with a gun and otherwise menacing his health with a big dirk. He was sentenced to 200 days by Judge Emmons, at Courtland, following a hearing.

### CONTRACTOR HERE.

Frank Vaughn, contractor of Bisbee, was in town yesterday and today looking after local interests.

### FROM LEWIS SPRINGS.

Jim Wolfe, old time cattleman of Lewis Springs, was visiting in Tombstone Saturday and Sunday.

### IN FROM BENSON.

Contractor H. M. Eckerman came in yesterday from Benson, where he has a crew at work surfacing several miles of the Benson-Vail highway, out of Benson. He expects to have the work completed shortly.

### ATTENDED LODGE.

Among the out-of-town visitors attending Masonic lodge doings Saturday night were L. D. Redfield, of Benson, Norman J. Roberts, of Redding,

ton, Roy McIntyre and R. S. Smith, of the Apache Powder Company.

### CAVE CREEK WATER

### RIGHTS HEARING TODAY.

Another step in the Cave Creek water rights equity proceedings which has been up before State Water Commissioner W. S. Norviel, was taken in Tombstone today, and a hearing on the report set for June 6th, to be held here.

For over a year residents of the Cave Creek section of the Chiricahuas have been fighting over certain water rights claimed by E. W. Stewart, owner of an orchard in the mouth of the canyon. A hearing was held some time ago at Portal, near there, and as a result Water Commissioner Norviel filed his report, granting rights, adjudications, etc., to which Attorney D. Benschimol, of Douglas, for Stewart, filed exceptions and the hearing before Judge Sames in Department 2 today was for the purpose of hearing objections and a final hearing at which all litigants will be represented was set for June 6th.

The case promises to be an interesting one, involving the constitutionality of the state water code, powers of the water commissioner and mooted priority rights. There are in the neighborhood of 20 interested parties. Judge Doan and Manatt & Stephenson of Douglas represent other litigants.

## TUESDAY

### TYPEWRITER MAN.

B. E. Leavitt, typewriter representative of Phoenix, was in Tombstone today.

### FROM LOWELL.

Frank Briggs, real estate dealer of Lowell, was a visitor in Tombstone today on court business.

### FROM ELGIN.

John Patrick, cattleman of Elgin, spent the day in the county seat today on business.

### VISITING HERE.

Harold Gribble, of Benson, is spending a few days in Tombstone visiting with his sisters, Mrs. C. S. Benson and Mrs. G. B. Warner.

### FROM CHIRICAHUAS.

E. Powers, rancher of Cave Creek, in the Chiricahuas, was in Tombstone yesterday on business at the court house.

### RETURNED HOME.

Mrs. Sam Johnson and daughter, Miss Edna, returned home today from Douglas, where they have been on a visit with relatives.

### RETURNED HOME.

M. M. Bludworth, vice president of the First National Bank, accompanied by Mrs. Bludworth, returned home yesterday from a week's visit in Phoenix.

### SMYTH TO RETURN SOON.

County Engineer Sid Smyth, who represented Cochise county at the national good roads convention in Greensboro, S. C., will return May 1, after visiting with relatives in the south.

### TO PHOENIX.

Attorney L. O. Woolery went to Phoenix today on a two-day business visit. He made the trip by auto.

### FROM GLEESON.

Constable L. M. Brown and E. W. Crozier and wife were visitors in Tombstone today.

### CAR IS STOLEN.

According to word received here today an Oldsmobile Six was stolen from the R. B. Krebs Auto Co. garage at Lowell last night. The car was recovered partially wrecked in upper Lowell after it had run off the grade. It was the property of the Apache Powder company.

### HAVE BABY SON.

According to word received from Bisbee, Mr. and Mrs. James S. Casey have a baby boy, born yesterday morning at the Copper Queen hospital. Casey is an attorney with the firm of Ellwood & Ross and both Mr. and Mrs. Casey are well known in Tombstone, having resided here for several months during the deportation trials.

### ATTORNEYS HERE

### ATTENDING SETTING.

Among the attorneys in Tombstone today to attend the setting of the civil and criminal jury and non-jury calendar were D. Benschimol, R. N. French, Bruce Stephenson, Geo. Roark, J. P. Boyle, H. E. Pickett, Douglas; J. D. Taylor, H. N. Woods, M. Blumenthal, Walter Roche, S. K. Williams, E. J. Flanagan, J. L. Winters, Frank Thomas, Bisbee; Frank Curley, Tucson.

## WEDNESDAY

### IN BISBEE.

Ed Massey, local leaser, was in Bisbee yesterday on a brief business visit.

### FROM WHITE CITY.

Wm. Carmichael, storekeeper, of White City, was a visitor in Tombstone today.

### FROM HUACHUCAS.

Zeno Aston is in the city today from the Aston ranch in the Huachuca mountains.

### TRAVELLING MAN.

P. H. Wilson, representing a wholesale hardware firm of El Paso, was in Tombstone today.

### FROM PEARCE.

Clarence Nichols, of Pearce, is spending a few days in the county seat. He may decide to locate here.

### UP FROM FAIRBANK.

Supt. Henry Street of the Boquillas Land & Cattle company, was a business visitor in the county seat today.

### IN BISBEE.

Court Reporter J. M. Philippowski, of Division 1 of the superior court, went to Bisbee this afternoon on a brief visit.

### TO MEET BROTHER.

Dr. C. A. Morris, local dentist went to Benson yesterday to meet his brother, who was going through on the main line.

### TO COURTLAND.

Tony Giacomini, of the Tombstone Auto Co., and party of friends, motored to Courtland today.

### EXPLORATION PARTY HERE.

A party of three of the University of Arizona were in Tombstone yesterday and today. They are making a survey of the water sources in Cochise county.

### TO DOUGLAS.

County Attorney John F. Ross went to Douglas this afternoon where he was called on matters pertaining to his office.

### IN FROM TURNER.

G. W. "Butch" Fenter, of Turner, was among the visitors in the county seat today from the Huachuca mountain section.

### THROUGH TO DOUGLAS.

Harry Ross, former state treasurer, passed through Tombstone enroute to Douglas this afternoon, where he goes to attend to business matters.

### FROM FAIRBANK.

Gerard Trejo, of the Boquillas Land & Cattle company, of Fairbank, was a visitor in Tombstone for several hours today attending to business matters.

### A BABY GIRL.

Mr. and Mrs. Earl Brown were blessed with the arrival of a baby girl at their home in this city Sunday morning. Mr. Brown is connected with the force of the National Metals Recovery mill.

### VISITING SISTER.

Mrs. Nichols, of Bisbee, sister of Mrs. Geo. Henshaw, arrived in Tombstone today and will visit with her sister for a few days. Mr. Nichols is located here temporarily on extra work in the assessor's office.

### FROM DOUGLAS.

J. J. Newell, former deputy sheriff of Naco, and now located in Douglas where he conducts a fuel and feed establishment, spent several hours in Tombstone today.

## THURSDAY

### IN BISBEE.

Mrs. J. H. Hilton spent yesterday in Douglas on a visit with relatives.

### IN FROM STRONGHOLD.

Prof. J. A. Rockfellow is in town from his ranch at Cochise Stronghold.

### TO WILLCOX.

Chas. Allen, of the R. B. Krebs Auto Co., went to Willcox this morning on a brief business visit.

### IN FROM RANCH.

Mr. and Mrs. John LaBrosse were visitors in town today from the LaBrosse ranch in Government Draw.

### IN DOUGLAS.

County Attorney J. F. Ross spent yesterday in Douglas on official business, returning home last night.

### TO DOUGLAS.

Attorney J. T. Kingsbury went to Douglas today where he was called on legal business. He will return home this evening.

### UP FROM ST. DAVID.

Lo Wright, merchant and one of the directors of the San Pedro Water Users' association, was in Tombstone today on business at the court house.

Mr. Wright reports that Engineer Elliott, in charge of the Charleston dam survey, has just about completed his work, and that it is expected the bond election will be called soon.

### CALLED TO DOUGLAS.

H. D. Palmer, court reporter of Division 2 of the Superior Court, went to Douglas today, where he will remain over until tomorrow on a brief business visit.

### THROUGH TO TUCSON.

Supt. Philbrook, of the Bisbee public schools, and party, passed through Tombstone this morning enroute to Tucson, where they will attend University Week.

### FROM DENVER.

D. S. Crawford, representative of the Western Newspaper Union was a visitor in Tombstone today. Mr. Crawford reports that the Western Newspaper Union, one of the largest job plants in Denver, will not sign up the 44-hour week demanded by the printers beginning May 1st. Practically all the job plants in Denver will not sign the agreement, he said.

### RETURNED FROM PHOENIX.

Ray B. Krebs returned home yesterday from a trip to Phoenix, and several points in northern Arizona. He spent yesterday in Lowell looking after his business interests there.

## FRIDAY

### FROM COURTLAND.

Constable Les Mattingly, of Courtland, was a visitor in Tombstone today on business at the sheriff's office.

### FROM BISBEE.

Mrs. Mike Davis, of Bisbee, former resident of Tombstone, was a visitor in Tombstone yesterday, the guest of Mrs. C. L. Blackburn.

### FROM TUCSON.

John Chadwick came in yesterday from Tucson, where he has been located at the state road camp driving truck.

### FROM TEMPE.

Misses Mildred Marrs and Emma Johnson, who are attending Tempe Normal, arrived home last evening and will remain during next week with their parents.

### TO TUCSON.

John Giacomini, Dewey Clochett, Mrs. Leo Hill and the Misses Lucy and Mary Carretto motored to Tucson this morning, where they will visit with friends for the next two days.

### PEARCE VISITORS.

Among the visitors in Tombstone last evening from Pearce were Jack Murphy and Howard Boulter. They state a party of Pearce people will come to Tombstone tomorrow evening to attend the dance to be given by St. Paul's Episcopal Guild.

### GOVERNMENT DRAW

### RANGE IS DRY.

That the Government Draw range is dry as it can be was the statement of Wm. Davis, well known cattleman of that section who was in Tombstone today. Unless rain arrives soon cattlemen will suffer serious losses, he said.

### HOME DURING

### UNIVERSITY WEEK.

Among Tombstone students attending the U. of A. at Tucson, who are home during University week are the Misses Camilla Dalglish, Cornelia Cornelius, Norma Barr and Fritz Johnson and Jimmie Earl. Several other students will arrive tomorrow to remain during next week.

### MINE INSPECTOR HERE.

State Mine Inspector Jack White, was a visitor in Tombstone yesterday enroute to Phoenix from Doa Cabezas, where he had been to investigate the mysterious explosion which occurred there several days ago in which one miner was instantly killed and a second man is near death. Mr. White was at one time a resident of Tombstone during his two terms he served as sheriff of this county in territorial days. He has many friends in Cochise county.

### FROM BISBEE.

Attorney Maurice Blumenthal, of Bisbee, was in Tombstone today.

### FROM FAIRBANK.

Jeff Milton, pioneer immigration inspector stationed at Fairbanks was a visitor in town today.

### FROM BENSON.

B. Maier, wholesale merchant of Benson, was a visitor in town today on one of his regular trips.

### WANTS LEASER.

J. H. Tippet, pioneer rancher and miner of the Huachuca mountain dis-

trict, was in Tombstone today. Mr. Tippet states he has four claims on Carr Peak in the Huachuas for which he is looking for a responsible leaser who has a few hundred dollars with which to erect a small crusher and jig concentrator. He has a good-sized ledge of gold-silver ore, he says, which will easily net \$100 per ton in concentrates. A pretty good road leads to the mine, he says, and it is a good chance for the right party.

### TO WILLCOX.

W. T. Boyd and wife went to Willcox this afternoon to be present at the opening of Boyd's branch drug store at Willcox tomorrow.

### MOVED RESIDENCE.

Prof. Tilford and family have moved from the Cook cottage on Fremont St. to the Lutley cottage on 8th street between Fremont and Allen.

### FROM WILLCOX.

Harry Scott returned today from Willcox, where he has been completing assessments. He states that the farmers of the Willcox country are suffering considerably from lack of rain and stock are in poor shape as a result.

### FROM UNIVERSITY.

Norman Abell and sister, Miss Helen, who are attending the University of Arizona, arrived home today to remain with their mother, Mrs. Frances Abell, during University week. Mr. Fred Gray accompanied them and will remain here as their guest during their stay here.

### GLENDAL ROBBERS

### CAUGHT HERE.

On telegraphic description from Sheriff Montgomery, of Phoenix, Sheriff Joe Hood last night arrested in Tombstone two men wanted at Glendale for robbery. The two men, Ed Palmas and Henry Moulty, who were driving a stripped Ford, were arrested when they stopped here to obtain gasoline and oil at a local garage. Sheriff Montgomery, of Maricopa county, was notified this morning and a deputy was dispatched from Phoenix today to bring the men back there to face trial.

## SATURDAY

### RETURNED HOME.

Mrs. Wm. Featherman returned home today from Tucson, where she has been on a visit with her daughter.

### HERE FROM DOUGLAS.

Mrs. Wm. Ames, sister of Mrs. Kate Igo, arrived today from Douglas and will remain here for some time on an extended visit.

### ATTORNEYS HERE.

Among the attorneys in Tombstone today were Fred Sutter, Alex. Marry, J. L. Winters, E. J. Flanagan, Bisbee; H. N. French, Douglas.

### ASSISTANT COUNTY ATTY.

Assistant County Attorney D. P. Boyle, of Douglas, was in Tombstone today on business at the office of County Attorney J. F. Ross.

### ST. PAUL'S EPISCOPAL CHURCH.

Rev. Geo. C. Golden, Rector, 7:30 p. m. evening services with address by Rector: "Ascension and It's Message of Americanism."

### MOVED RESIDENCE.

Mrs. Ula Sherill has moved into the Rockfellow cottage and the Keach cottage just vacated by her will be occupied by Mrs. Kittle Sanders. Tom Foster has moved his family into one of the Krebs cottages near the old gas plant.

### VISITING FROM EAST.

Mrs. Flora M. Springer, sister of Ed Massey, arrived yesterday from the East and will visit in Tombstone for several weeks. Mrs. Springer's home is in Princeton, Ind., and she is at present on a tour of the United States, expecting to be absent several months. From here she will continue to California.

### CITY MARSHAL CASE

### UP TO COURT.

### (Continued from Page One)

provides that the mayor shall preside at every meeting and shall have a vote on every question.

The act of the council at the January 4 meeting, in attempting to remove Blackburn by disapproving the minutes was admitted to have been illegal, because no charges were filed against Blackburn and he was not given opportunity to be heard.

In admitting the bond to evidence, however, Judge Sames announced that at this time it appeared to him that the plaintiff had acted in good faith and done all in his power to

place the bond before the council when he filed it with the city clerk. The case resolved itself down to the point of the legality of the bond filed by the plaintiff, the matter of the failure of the defendant to justify being a subsequent question for the court to settle.

This afternoon attorney for the plaintiff presented citations covering the two points in question and Judge Sutter will reply thereto upon receipt of copy of plaintiff's authorities.

Judge Sames announced he will give his decision as early as possible, due to the fact that the case is one of public interest in Tombstone.

Another contention of the defense was that the bond was not in legal form and insufficient since the sureties had only been bound by the sum of \$250 each when it was understood that the sum should have been \$500.

This contention is scouted, however, by Attorney Gibson for the plaintiff on the facts that since no definite sum was named in the minutes for a bond to be provided by the city marshal, the acceptance by the council of the bond given makes it a valid one.

This afternoon, speaking to a Prospector, Mayor C. L. Cummings, reviewing the case, said:

"Every contention of the plaintiff, since the time of his alleged removal resulting in the quo warranto proceedings to determine his rights, have been sustained on admission by the defendant in court today.

"The first contention was that McDonald had duly resigned with the retiring council on November 16th, 1920, and there was a vacancy to be filled by appointment, which was done at an adjourned meeting of a quorum of the council on December 11th, 1920, and that the action of a majority of the council on January 4th, 1921, in presuming to remove Blackburn and appoint McDonald, was illegal.

That in view of this the appointment of McDonald to fill the office was illegal, as Blackburn was still the duly appointed and qualified city marshal, his term to run until the next general city election. These are the principal facts in the case, in all of which we have been sustained by admission of the defendant's counsel, although they now raise the technicality that the appointment of McDonald was made to fill